

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STEVEN S. BROWN,

Plaintiff,

vs.

**Case No.: 2:13-cv-006
JUDGE GEORGE C. SMITH
Magistrate Judge Vascura**

DIRECTOR MOHR, *et al.*,

Defendants.

ORDER

On December 8, 2017, the United States Magistrate Judge issued an *Order and Report and Recommendation* recommending that Plaintiff's request for issuance of a preliminary injunction be denied and his requests for appointment of counsel and issuance of a subpoena were denied. (Doc. 217, *Order and Report and Recommendation*).

The parties were advised of their right to object to the *Order and Report and Recommendation*. This matter is now before the Court on Plaintiff's Objections to the Magistrate Judge's *Order and Report and Recommendation*, as well as an additional Addendum. (See Docs. 218 and 220). Defendants have filed a response to Plaintiff's Objections. (Doc. 219). Objections to a magistrate judge's factual findings are reviewed under the "clearly erroneous" standard, while objections to a magistrate judge's legal conclusions are considered under the more lenient "contrary to law" standard. *Itskin v. Gibson*, No. 2:10-CV-689, 2012 U.S. Dist. LEXIS 32169, at *3 (S.D. Ohio Mar. 9, 2012) (quoting *Gandee v. Glaser*, 785 F. Supp. 684, 686 (S.D. Ohio 1992)). Factual findings may be overturned under the "clearly erroneous" standard only when the district court is left with a definite and firm conviction that a mistake has been made. *Id.* (citing *In re Search Warrants Issued August 29, 1994*, 889 F. Supp. 296, 298 (S.D. Ohio 1995)). The district

court's review of legal conclusions under the "contrary to law" standard is plenary, and the court "may overturn any conclusions of law which contradict or ignore applicable precepts of law, as found in the Constitution, statutes, or case precedent." *Id.* (quoting *Gandee*, 785 F. Supp. at 686).

Plaintiff's Objections merely present the same issues presented to and considered by the Magistrate Judge in the *Order and Report and Recommendation*. Specifically, Plaintiff continues to assert that he has serious medical conditions that are not being addressed and he is being denied access. However, he has not actually raised an objection to the Magistrate Judge's conclusions. The Magistrate Judge carefully considered all of his arguments in ruling on the pending motions and the Court agrees with the findings of the Magistrate Judge.

Plaintiff also makes several allegations in his Addendum and also states that he would like to file a motion for partial summary judgment but cannot due to his current circumstances. Plaintiff is directed to the scheduling order which allows for motions for summary judgment to be filed on or before December 4, 2018. (*See* Doc. 208).

Based on the aforementioned and the reasons stated in the *Order and Report and Recommendation*, this Court finds that Plaintiff's objections are without merit. The *Order and Report and Recommendation* was neither clearly erroneous nor contrary to law. Therefore, the *Order and Report and Recommendation*, Document 217, is **ADOPTED** and **AFFIRMED**. Plaintiff's request for issuance of a preliminary injunction is hereby **DENIED** and Plaintiff's requests for appointment of counsel and issuance of a subpoena are **DENIED**.

The Clerk shall remove Document 217 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT